



University of Groningen

Toezicht in de ruimtelijke ordening. Een empirische studie naar de intergouvermentele betrekkingen tussen provincie en gemeente in het kader van het planologisch toezicht.

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Document Version

Publisher's PDF, also known as Version of record

Publication date:

1990

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):

Ridder, J. D. (1990). Toezicht in de ruimtelijke ordening. Een empirische studie naar de intergouvermentele betrekkingen tussen provincie en gemeente in het kader van het planologisch toezicht. Kluwer.

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SUMMARY

Intergovernmental supervision in physical planning; An empirical study of relations between provincial and local authorities.

Intergovernmental supervision is an administrative process in which the central or regional government monitors the local policy process and intervenes to correct local decisions in appropriate circumstances, on the strength of a statutory authority to do so. The legal entitlement may take various forms, e.g. required approval of local policy decisions or the authority to issue binding directions. Although the kind of supervision one finds in Dutch intergovernmental relations is historically rooted in the French system of "tutelage", it never has come to be as ubiquitous an instrument of centralized power as in France. Almost all present day provisions for supervision are related to specific types of local decisions, while the exercise of supervisory authority is subject to various legal constraints.

Although supervision is an important element of intergovernmental relations in a unitary state, it rarely has been subjected to empirical investigation. The present study concerns itself with one example: the supervision of local physical planning by the provincial government. Under the provisions of the Physical Planning Act, the executive board of the provincial government has the authority both to refuse the required approval of local land use plans and to direct local governments to comply with provincial land use policies. The local government must consult with provincial agencies when preparing a land use plan. Legally, the provincial government seems to possess formal dominance over local physical planning. A close empirical look at the system however discloses a variety of intergovernmental policy games that provincial and local governments play in the shadow of formal regulations. The most important part of these games is to be found in the preparatory stage, before the formal supervisory procedure. More often than not these games exhibit a certain equality between the players rather than provincial dominance. The foremost goals

of this study are to describe this variety of games and to explain how, under one set of rules, so much variety can develop. The study deals with two questions: what do processes of supervision actually look like; and to what extent is the course of such a process to be explained by the circumstances under which it takes place rather than by legal reasons? The answer to the first question will be given in the form of a series of process types, the answer to the second question in terms of a series of configurations of circumstantial factors that correspond with the process types.

Before going into the empirical findings in more detail, two other matters must be dealt with: the conceptual model used to depict the supervisory process under investigation, and the way in which empirical data were collected. The conceptual model used in this study is based on the literature on interorganizational relations, notably the exchange approach (Levine and White 1961) and the power-dependency approach (Schmidt and Kochan 1977). Thus the context in which the supervisory process unfolds is represented as an interaction system (Boudon 1981) - the supervisory network - whilst the supervisory process is depicted as an interaction process between strategically operating actors. Properties of the process taken into account are communication, reviewing of local policies, and reciprocal use of influence. The model departs from both the approaches mentioned when stressing the fact that the interdependencies in the provincial-local relationship cannot be traced entirely to properties of the parties involved, as in a market situation, but are partly imposed from outside, that is by law. Much of the interaction that goes on is compulsory and cannot be avoided.

The empirical data for this study were collected in three two-tier case studies concerning the workings of the supervisory network in three regional planning areas (Groningen, Amsterdam-Noordzeekanaalgebied, Noord- en Midden-Limburg). These studies resulted in a general delineation of the different courses a supervisory process can take. Within this general framework, a total of eleven cases of supervisory decision-making were selected and closely scrutinized. The decision-processes took place in the period from 1978 to 1984, and all had to do with land use plans in relatively small communities. In all cases there was some declared provincial land use policy at stake, and in all cases both the provincial and the local government tried to persuade or force the other party to accept a certain course of action.

From the material analyzed in this study, it becomes clear that supervisory relations are seldom hierarchical in nature. Rather, the common supervisory process can be characterized as partial mutual adjustment. Sometimes either one or both parties uses administrative force; at other times they come to an exchange agreement or find some common cause that induces them into cooperation. The various strategies that both the provincial and local governments adopt make for a great variety of supervisory processes. The further analysis of the data was aimed at establishing a relationship between some type of process and the nature of the circumstances in the

supervisory network in which the process evolves. In the next section the results of this analysis will be presented, as the types of supervisory processes found are described together with the set of circumstances under which they are most likely to occur.

Type 0: Avoidance

There are very few exit options in the supervisory network. Nevertheless local government sometimes chooses the strategy of avoiding external meddling by not taking a formal decision on some land use plan. A local authority is inclined to do this, if the supervisory authority is perceived as likely to make demands that deviate very far from the course the authority had set for itself, while the local government does not possess the means to resist provincial pressure and its interest in the land use plan at stake is relatively small.

Type 1: Non-intervention

The provincial authorities accept the local plan in both the preparatory and supervisory stages of the process without any attempt to make amendments. The local plan coincides with provincial standards or policy requirements. This may be so entirely by chance: the local government happens to make a plan that fits provincial policies. Or it may be that provincial and local authorities have a common understanding about the range of the supervisory authority's interventions (domain consensus). Thirdly, both parties may have some premises of decision in common, due to earlier encounters.

Type 2: Unilateral Adjustment

One of the parties concurs with the other party's demands, in spite of its own goals and aspirations. Usually it is the local government that conforms to provincial standards, either in anticipation or on provincial request. A local authority tends to adopt this strategy as long as it finds the costs of adjustment acceptable compared to the costs of thwarting provincial opposition. Provincial unilateral adjustment means that the provincial government refrains from ascertaining its own point of view, despite misgivings over the local plan. It will do so only, if its conception of the supervisory task leaves room for motives of expediency.

Type 3: Authoritarian Supervision

The supervisory authority reviews the local plan from an entirely local point of view. Its aim is to uphold standards concerning local planning while the local government

is only interested in realizing the policy choices it has made. The supervisory relationship is marked by detachment, formal procedures are stressed, the typical way of influencing the other party is administrative coercion. Conflicts are settled with formal means such as the refusal of approval, appeals, etc. There is no negotiation, exchange or cooperation.

Type 4: Paternalistic Supervision

Again the intrinsic qualities of the local plan are the supervisory authority's main concern. However, the provincial authorities do not remain aloof as in the previous type and the process is rather informal. Although the provincial government has the legal potential to dominate, it seldom brings this to bear upon the local authorities. It is rather easily persuaded to give in on its own standards. The local government on the other hand is also relatively submissive. Disagreement is commonly avoided or settled through mutual adjustment.

Type 5: Antagonistic Supervision

The supervisory authority judges the local plan in terms of regional land use policies and is primarily or entirely interested in the supra-local consequences of local physical planning. Both the provincial and the local government try to realize as much of their own goals as possible. As in type 3 detachment and formality are distinguishing features of the supervisory relationship, while administrative coercion is again the primary means of influencing the other party.

Type 6: Coöperative Supervision

Again the standards the supervisory authority applies are derived from regional land use policy. Unlike the situation of type 5 however, both parties have an overriding interest in reaching an agreement, differences of opinion notwithstanding. There is relatively little aloofness and formality in the way provincial and local authorities deal with each other. Exchange and cooperation are the typical forms of influence.

In accordance with Boudon's analytical scheme, three levels of explanatory circumstance are distinguished: factors inherent in the supervisory situation itself, circumstances in the supervisory network (including properties of the actors in the system), and circumstances in the network's environment. The most important factor inherent to the supervisory situation is how the primary goals of both parties relate to each other. Incompatible goals tend to lead to antagonistic processes (types 2, 3 and 5) while in the case of compatible or common goals exchange and cooperation is likely.

One important property of the supervisory network is the balance of power between provincial and local authorities. This balance lies somewhere between provincial domination and equality. The division of formal power bases strongly favors the supervisory authority. The balance tends towards equality whenever the provincial government harbors policies for the realisation of which it is dependent on local activities. Unequal power distribution fosters the occurrence of processes of type 2, 3 and 5. Large inequalities may induce the avoidance strategy of type 1.

Another important aspect of the supervisory network is the dominant view on how to conduct the supervisory task. Two opposing conceptions exist: the task view and the instrumental view. According to the instrumental view, the supervisory authority should seek to advance or protect provincial physical planning policies. When this view dominates, the occurrence of type 5 and type 6 processes is likely. In the task view, supervision is a task per se: the supervisory authority should guard the interests of the local community and its inhabitants from possible malfunctioning of the local authorities. Supervision, executed according to this view, tends to produce type 3 and type 4 processes.

The most important property of the actors in the network is their tenacity in the face of opposition from the other party. There are a number of factors that appear to influence the tenacity of collective actors, notably its negotiated order, the position of its boundary personnel and the relationship between bureaucrats and politicians in the organization. A great deal of tenacity on both sides typically leads to antagonistic games like process types 3 and 5. Little or no tenacity on the part of one of the actors promotes unilateral adjustment. One of the major skills of strategically sophisticated actors is to know when to persist and when to drop some goal. Such strategies are usually found in processes of the cooperative type.

Finally, the way circumstances in the network's environment are consequential for the course supervisory processes take is best expressed with the term "mobilisation of bias". This term is derived from Schattschneider, who wrote: "All forms of political organization have a bias in favor of the exploitation of some kinds of conflict, and the suppression of others, because organization is the mobilization of bias. Some issues are organized into politics while others are organized out".

Issues that exist in the environment may be organized into the supervisory network in such a manner that local and provincial authorities represent opposing interests. Such a state of affairs tends to produce antagonistic processes. When issues are organized out of the network, none of the parties in the supervisory process will bring the matter up, and the possibility for disagreement is reduced. This kind of mobilisation of bias constitutes fertile soil for the paternalistic type of supervision.